

~~CONFIDENTIAL~~

Executive Officer/SO

30 October 1953

Chief, Inspection Division

Legislation in Connection with Security Violations

1. Your memorandum of 22 October 1953 requested the preparation of a memorandum to the General Counsel proposing new legislation to cover improper disclosure of classified information. Such memorandum, prepared for the signature of the Director of Security, is attached.

2. You also requested that consideration be given and a recommendation submitted concerning the possibility of changing the present secrecy agreements to a form including an oath, with the idea that punitive action for improper disclosure might be based on violation of the oath. We are working on this, but right now we do not believe that there is much possibility of effectively punishing improper disclosure by prosecuting for a false oath. Further, the disclosures we must try to prevent often could be by persons with whom we have no direct relationship, and hence we could not bind them by any form of secrecy agreement.

3. However, secrecy agreements are very valuable, even if only as psychological aids, and we agree that they more properly should be framed as affidavits. There are various forms of secrecy agreements, to apply to various circumstances. The forms of such agreements are, we believe, something we can decide upon within the Security Office. We shall work on recommending new forms, doing so in cooperation with the Security Division and the Security Control Staff.

OPM Declassification/Release Instructions on File

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ID/SO/DEW/JWM:ds (30 October 1953)

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4 November 1953

Honorable Allen W. Dulles,
Director, Central Intelligence Agency
Washington 25, D. C.

Dear Mr. Dulles:

This will acknowledge receipt of your letter of October 12, 1953, with respect to your authority to provide one of your employees a hearing before a Security Hearing Board consisting of members selected from the Roster established by the Civil Service Commission to implement the administration of Executive Order 10450 and the Act of August 26, 1950.

You state that you have an employee against whom derogatory allegations have been made which "make it imperative that his case have the most complete and impartial review that can be obtained under the President's program." You also state that you have determined that the suspension of that individual is not necessary or desirable in the interests of the national security, but that you are anxious to have all the information pertaining to this individual reviewed by "outside, impartial persons of proper qualifications" and that it is your belief that such a review and re-evaluation is essential under the circumstances.

Neither the Act of August 26, 1950, nor Executive Order 10450 prohibits a hearing such as you contemplate. While the Act does provide that a certain category of employees be given a hearing, after his suspension and before his employment is terminated under the authority of this Act, there is no prohibition against giving a hearing of that type to anyone who has not been suspended. (Emphasis supplied.) It is, of course, possible that the Civil Service Commission or any of the members selected may object to such a hearing on the ground that Security Hearing Boards can only be provided after suspension under the Act. However, under the circumstances set forth in your letter there is little likelihood of such objections being raised. Further, you indicate that you have reviewed the case and have determined that suspension is not necessary or desirable in the interests of the national security. Under such circumstances section 6 of the Executive Order does not require you to suspend the employee.

Document No. _____
Review of this document by CIA has
determined that
 CIA has no objection to declass
 It contains information of CIA
interest that must remain
classified at TS S 0
Authority: NR 702
Comments: nothing of CIA interest

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